

REMARKS

Claims 1-39 are all the claims pending in the present application. In summary, the Examiner maintains the same prior art rejections as set forth in the previous Office Action and adds a new rejection under 35 U.S.C. § 112, second paragraph. Specifically, claims 1, 14, and 15 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1-7 and 14-16 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Molno (U.S. Patent Appln. Pub. No. 2001/0030949). Claims 8-13, 23-28 and 34-39 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Molno in view of Hautamaki (U.S. Patent Appln. Publication No. 2001/0038614), further in view of Ramjee (U.S. Patent No. 6,842,462).

§112, second paragraph, Rejections - Claims 1, 14, and 15

Applicant submits that claims 1, 14, and 15 satisfy 35 U.S.C. § 112 second paragraph.

§102(e) Rejections (Molno) - Claims 1-7 and 14-16

The Examiner rejects claims 1-7 and 14-16 over Molno based on substantially the same reason set forth in the previous Office Action, and adds a few new arguments in the *Response to Arguments* section of the present Office Action. In the *Response to Arguments* section of the Office Action, the Examiner alleges:

Applicant argues that Molno does not teach a specific resource allocation and sending a specific resource request. As previously explained, Applicant is respectfully directed to the specific that user dedicated control channels are allocated on an available radio channel resource for control signaling in packet data transfer mode in a packet communication system. More particularly, resources are allocated in the uplink direction from a mobile station to a base station such that a mobile station inherently send control information (i.e., Coding schemes, modulation schemes, specific/different bit rate, EGPRS mode or GPRS mode, etc.), e.g., measurement reports, to the base station in a data communication session. Additionally, resources are allocated in the downlink

direction from a base station to a mobile station such that a base station may send control information, e.g., system specific information, to the mobile in a data communication session (See Molno, e.g., Pages 1-2, ¶ [0014]) to support control signaling during packet data transfer mode in an GPRS/EGPRS system ongoing data flow. In circuit switched GSM, additional transmission resources are defined for a Slow Associated Control Channel, (SACCH), such that transmission of control information associated with a traffic channel (TCH) (See e.g., Molno, Page 1, ¶ [0012]. Therefore, the specific resource allocations are inherently based on for example a different packet or circuit switch mode, specific modulation or coding schemes higher or lower data rate, that are suitable for GPRS/EGPRS mode (See Molno, e.g., Page 1, ¶ [0004]-[000]). Further, Applicant's arguments do not comply with 37 C.F.R. § 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not clearly show how the amendments avoid such references or rejections. Furthermore, in response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that he features upon which Applicant relies (i.e., a specific resource allocation and sending a specific resource request such as GPRS request or EGPRS request) are not recited in independent rejected claims 1-2, 14-17 (see, e.g., page 6, line 15, page 7, lines 16-19 and the entire page 4 of the specification). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Therefore, the previous rejection is maintained per following. Also, in response to Applicant's argument that the intended problem solved by the present application is different from the problem solved by the prior art (i.e., Molno), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response, Applicant submits that the present invention, as recited in claim 1, for example, is patentable over Molno at least because Molno does not disclose or suggest at least, "a mobile station sending to the network a packet mode resource request," "said mobile station using, in accordance with its requirements one of different types of packet mode resource requests corresponding to different transfer modes that it supports," and "for the requirements of

signaling data transfer in an uplink direction, said signaling being operable to generate an allocation of packet mode resources in a downlink direction for user data transfer, said mobile station using a type of packet mode resource request corresponding to a transfer mode best suited to the requirements of said user data transfer,” as recited in claim 1. That is, at least based on reasons previously submitted, Applicant submits that Molno is not concerned, and does not disclose or suggest at least sending a packet mode resource request. As argued previously, in Molno, resources are considered as already allocated, and it, therefore, is not a purpose of Molno to look at how resources are allocated. Therefore, at least based on the previously submitted reasons, Applicant submits that Molno does not anticipate claim 1.

To anticipate a claimed invention, an applied reference must teach and suggest each and every limitation of the claimed invention. Molno does not satisfy each and every one of the claim elements set forth above. Applicant submits that independent claims 2 and 14-16 are patentable at least based on reasons similar to those set forth above with respect to claim 1. Applicant submits that dependent claims 3-7 are patentable by virtue of their dependencies from independent claim 1.

At least based on the foregoing, as well as the arguments set forth in the previous Amendment, Applicant submits that Molno does not anticipate claims 1-7 and 14-16.

§ 103(a) Rejections (Molno / Hautamaki / Ramjee) - Claims 8-13, 23-28, and 34-39

Applicants maintain that dependent claims 8-13, 23-28, and 34-39 are patentable at least by virtue of their respective dependencies. Neither Hautamaki nor Ramjee makes up for the deficiencies of Molno.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/634,766

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

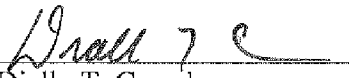
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Diallo T. Crenshaw
Registration No. 52,778

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